

**Remarks**

By the foregoing Amendment, claims 1-68 are cancelled, and new claims 69-91 are presented. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

New claim 69 recites a motor that drives a brake power source, and a supply device driven by an engine that supplies an agency to the motor driving the brake power source. Claim 69 further recites:

an electronic control unit in communication with said supply device that controls that rate at which the agency is supplied by said supply device;

wherein said electronic control unit has at least one input for receiving signals containing information reflecting air pressure; and

wherein said electronic control unit determines the rate at which to cause said supply device to supply the agency to said motor based at least in part on the received information, thereby causing said motor to drive said brake power source at a desired rate.

DE 3529743 (Bosch) does not disclose any such system.

First, Bosch does not disclose an ECU that controls the rate at which the supply device supplies an agency to a motor that drives a brake power source. For example, in the embodiment illustrated in Figure 1, the electronic control unit, which receives limited information from the sensors 51, 54 (along lines 52, 54), actually controls the motors 24, 27 (which drives brake power source 28), 38, and 48 via their respective proportional valves (along lines 56, 58, 60, 63). In other words, it does not control the pumps 11, 12. The only disclosure of the electronic control unit

53 controlling a supply device is illustrated in Figure 3, where the ECU 53 apparently controls the pump 82 via the adjusting device 84 (along line 89). However, this pump pumps to a motor 86 that drives the charge air compressor 25, not a brake power source (e.g., compressor 28).

More importantly, Bosch does not disclose an electronic control unit 53 that receives information reflecting air pressure, and then controlling the supply device based on this information. The ECU 53 receives limited information from the sensors 51, 54 (along lines 52, 54). However, the sensors 51, 54 are simply speed sensing units, for measuring the speed of the compressor and the engine. In other words, the information that the ECU is collecting is simply for regulating the relative speeds of the compressor and the engine (which drives the pump, which supplies an agency to the motor, which drives the compressor). It does not suggest collecting information about the vehicle that reflects the needs of the vehicle, and using that information to regulate the speed at which the supply device supplies the agency (such that the brake power source can be controlled independently of the engine speed), based upon the demands of the vehicle. Accordingly, it provides no suggestion to use an electronic control unit to receive information reflecting air pressure and use that information to control the rate at which the supply device supplies an agency to the motor driving the brake power source.

Similarly, Bruehmann offers no such suggestion. While Bruehmann may teach the desirability of maintaining adequate air pressure, this does not amount to

suggesting the desirability of using such information to regulate the rate of agency supply in an intermediate, supply device-motor assembly in order to control the rate at which the compressor is driven. Without some suggestion in either of the references that it is desirable to use this type of information for controlling the workings of an intermediary supply device-motor assembly to control the rate at which the brake power source is driven, independent of the engine speed, based on the needs of the vehicle, such a modification is not obvious.

As noted above, Bosch offers no such suggestion. Similarly, Bruehmann not only offers no such suggestion, it even teaches away from doing so. Bruehmann specifically teaches *against* employing an intermediary control system in order to isolate the power supply to the compressor from the engine (so as to regulate the power to the compressor independently of the engine speed), as it specifically teaches to instead deal with differences between the power supplied by the engine and the desired amount of air compression by regularly compressing air at full speed, and either diverting the unneeded air to a relief point or switching off or uncoupling the coupling. See Col. 3, Ins. 20-30. Applicant further notes that cited references must be considered as a whole, including portions that teach away from the claimed invention. *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983).

While Bruehmann may indeed teach the obvious desirability of maintaining adequate air pressure, neither reference teaches the desirability of using information

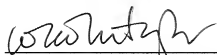
reflecting the demands of the vehicle (i.e., the brake system) to control an intermediary assembly controlling the power supplied to the brake power source independent of the engine speed. Therefore, neither reference would suggest that the ECU should receive a signal containing information reflecting air pressure, and that that the ECU should use this information to determine the rate at which the supply device supplies an agency to a motor driving the brake power source.

Similarly, independent claim 91 recites an electronic control unit that receives information reflecting the temperature in an air dryer and uses such information to control the rate at which the supply device supplies the agency. Accordingly, for the same reasons as set forth above, independent claim 91 is likewise patentable over the cited art.

Applicant notes that new claims 75 and 87-90 reflect limitations in previous claims that were withdrawn. Applicant has included these claims because Applicant submits that, for the foregoing reasons, generic claim 69 is allowable, and thus, these dependent claims are also allowable.

Respectfully submitted,

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